

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 584
PROPOSED COMMITTEE SUBSTITUTE S584-CSTT-26 [v.1]
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Short Title: Criminal Law Reform.

(Public)

Sponsors:

Referred to:

April 4, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO FUTURE CRIMINAL LAWS RELATED TO
3 REGULATORY OFFENCES, OFFENSES THAT DO NOT SPECIFY CRIMINAL
4 CULPABILITY, AND CRIMES NOT CONTAINED IN CERTAIN CHAPTERS OF THE
5 GENERAL STATUTES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 14-4 is rewritten to read:

8 **"§ 14-4. Violation of local ordinances misdemeanor.**

9 (a) Except as provided in ~~subsection (b), if subsections (b) and (c) of this section,~~ any
10 person ~~shall violate~~ who violates an ordinance of a county, city, town, or metropolitan sewerage
11 district created under Article 5 of Chapter 162A, ~~he shall be~~ 162A is guilty of a Class 3
12 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall
13 exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is
14 greater than fifty dollars (\$50.00).

15 (b) ~~If any~~ Any person ~~shall violate~~ who violates an ordinance of a county, city, or town
16 regulating the operation or parking of ~~vehicles, he shall be~~ vehicles, is responsible for an
17 infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

18 (c) Subsections (a) and (b) of this section do not apply to any ordinance created on or
19 after December 1, 2019.

20 (d) On or after December 1, 2020, no person who violates an ordinance of a county, city,
21 town, or metropolitan sewerage district created under Article 5 of Chapter 162A is guilty of a
22 crime. Notwithstanding this subsection, criminal penalties may, by a specific and explicit act of
23 the General Assembly, be imposed for the violation of any ordinance of a county, city, town, or
24 metropolitan sewerage district created under Article 5 of Chapter 162A, provided that the
25 prohibited conduct is defined in this Chapter, Chapter 20, or Article 5 of Chapter 90 of the
26 General Statutes.

27 (e) Nothing in this section shall restrict the authority of a county, city, town, or
28 metropolitan sewerage district to impose civil penalties for the violation of any ordinance
29 pursuant to G.S. 153A-123, G.S. 160A-175, or G.S. 162A-81."

30 **SECTION 2.** Article 1 of Chapter 14 is amended by adding three new sections to
31 read:

32 **"§ 14-4.1. Legislative review of regulatory crimes.**

33 (a) Any rule adopted pursuant to Article 2A of Chapter 150B of the General Statutes that
34 creates a new criminal offense or otherwise subjects a person to criminal penalties is subject to
35 G.S. 150B-21.3(b1) regardless of whether the rule received written objections from 10 or more
36 persons pursuant to G.S. 150B-21.3(b2).



(b) This section applies to rules adopted on or after December 1, 2019.

"§ 14-4.2. Default intent.

(a) No person may be convicted of a crime unless the person is shown to have acted recklessly if all of the following apply:

(1) The underlying criminal offense was created on or after December 1, 2019, by enactment of the General Assembly or administrative rule adopted pursuant to Article 2A of Chapter 150B of the General Statutes.

(2) The statute or rule does not describe the required criminal intent as an element of the offense.

(b) Subsection (a) of this section does not apply to any of the following:

(1) An offense that is not punishable by an active sentence or by a fine exceeding five hundred dollars (\$500.00).

(2) The law creating the offense clearly indicates a legislative or regulatory intent to impose strict liability as an element of the offense.

(c) As used in subsection (a) of this section, a person is shown to have acted recklessly if all of the following apply:

(1) The person consciously disregards a substantial and unjustifiable risk, whether as to conduct, circumstance, or result.

(2) The person's disregard of the risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in a similar situation.

"§ 14-4.3. Notice of crimes.

(a) Except as provided in subsection (b) of this section, no person shall be convicted of a criminal offense unless the offense appears in this Chapter, Chapter 20, or Article 5 of Chapter 90 of the General Statutes.

(b) Subsection (a) does not apply to a person who has actual knowledge that the behavior which is the basis for being charged with the offense constitutes a crime.

(c) This section applies to offenses created after December 1, 2019."

SECTION 3. Effective December 1, 2019, G.S 150B-21.3(b1) reads as rewritten:

"(b1) Delayed Effective Dates. – ~~If~~ Except as provided in G.S. 14-4.1, if the Commission received written objections to the rule in accordance with subsection (b2) of this section, the rule becomes effective on the earlier of the thirty-first legislative day or the day of adjournment of the next regular session of the General Assembly that begins at least 25 days after the date the Commission approved the rule, unless a different effective date applies under this section. If a bill that specifically disapproves the rule is introduced in either house of the General Assembly before the thirty-first legislative day of that session, the rule becomes effective on the earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the rule. If the agency adopting the rule specifies a later effective date than the date that would otherwise apply under this subsection, the later date applies. A permanent rule that is not approved by the Commission or that is specifically disapproved by a bill enacted into law before it becomes effective does not become effective.

A bill specifically disapproves a rule if it contains a provision that refers to the rule by appropriate North Carolina Administrative Code citation and states that the rule is disapproved. Notwithstanding any rule of either house of the General Assembly, any member of the General Assembly may introduce a bill during the first 30 legislative days of any regular session to disapprove a rule that has been approved by the Commission and that either has not become effective or has become effective by executive order under subsection (c) of this section."

SECTION 4. This act is effective when it becomes law.